

**Enrolled Minutes of the Ninety-Fifth Regular or Special Meeting  
For the Twenty-Seventh Highland Town Council  
Regular Meeting  
Monday, September 28, 2015**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 28, 2015 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to an extended work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent regular meeting.

The study session ended at 6:59 O'clock p.m.

*Regular meeting.* The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 28, 2015 at 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Konnie Kuiper reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, and Konnie Kuiper were present. Councilor Steve Wagner was absent owing to an extended work commitment. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John Bach, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

*Also present:* Ed Dabrowski IT Consultant (Contract); Susan Murovic of the Advisory Board of Zoning Appeals and Randy Bowman, Assistant Inspector for Electrical were also present.

**Minutes of the Previous Meeting:**

The minutes of the regular meeting of September 14, 2015 were approved by general consent.

**Special Orders:**

1. **Plan Commission Docket No. 2015-04:** The Highland Municipal Plan Commission on its own motion is seeking partial amendments to the *text of the zoning ordinance (code)* **Petitioner:** Municipal Plan Commission, Highland, Indiana. The matter was certified by the Municipal Plan Commission, following a public hearing, with a **favorable recommendation**, by a vote of five (5) in favor, one (1) opposed at its

meeting of September 16, 2015. The Plan Commission's findings of fact were memorialized from the September 16 hearing and are set to be formally adopted at its meeting of October 21, 2015.

*Pursuant to IC 36-7-4-607(e)(1), having received a favorable recommendation, the Town Council may **adopt, reject or amend** the proposal as set forth in Ordinance form. If **approved** by the legislative body, the ordinance takes effect as other ordinances of the town. (IC 36-7-4-607(e)(2)) • **If no action** occurs within 90 days, the recommendation (ordinance) of the Plan Commission is adopted. **90 days tolls on December 15, 2015.** (IC 36-7-4-607(e)(3)) • If the legislative body **amends or rejects** the proposal, the proposal shall be returned to the plan commission for its consideration, with a written statement of the reasons for the rejection or amendment. The plan commission has 45 days in which to consider the rejection or amendment. (IC 36-7-4-607(e)(4)).*

***Considering an Amendment.** If the plan commission approves the amendment or fails to act within the 45-day period, the ordinance stands as amended and passed by the legislative body or the end of the 45-day period. (IC 36-7-4-607(e)(4)(A)) • If the plan commission disapproves the rejection or amendment, the action of the legislative body on the original rejection or amendment stands **ONLY** if confirmed by another vote of the legislative body within 45 days after the commission certifies its disapproval. (IC 36-7-4-607(e)(4)(B)) • If the legislative body fails to confirm its action the ordinance takes effect as originally proposed by the plan commission.*

**Enrolled Recommended Ordinance No. 1600:** An Ordinance to Amend Chapters 18.05, 18.15, 18.20, and 18.25, and 18.45 of the Highland Municipal Code Relating to Storage of Personal Property in Residential Districts and Permitted Uses in Business Districts, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency. (*Zoning ordinances or amendments can be considered upon presentation and require only a majority vote of all the members of the council. See IC 36-5-2-10(d)*)

Councilor Zemen moved, seconded by Councilor Kuiper to approve the text change and approve the ordinance as recommended. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The text change was approved and the ordinance was adopted.

**ORDINANCE No. 1600  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE to AMEND CHAPTERS 18.05, 18.15, 18.20, AND 18.25, AND 18.45 of the HIGHLAND MUNICIPAL CODE RELATING to STORAGE OF PERSONAL PROPERTY IN RESIDENTIAL DISTRICTS AND PERMITTED USES IN BUSINESS DISTRICTS, REPEALING ALL ORDINANCES in CONFLICT THEREWITH, and DECLARING an EMERGENCY**

**WHEREAS,** The Highland Plan Commission has conducted an investigation as to the amendments to Title 18 of the Highland Municipal Code within the Town of Highland;

**WHEREAS,** The Petition and Application for said proposed amendment was submitted to the Highland Plan Commission, and a Public Hearing was held thereon according to said Ordinance No. 1600, and said Commission recommends favorable approval; and

**WHEREAS,** After due consideration and study, the Town Council of said Town does believe that said amendment will be advantageous to said Town and will insure the public health, safety, welfare and morals of the citizens thereof in the areas affected.

**WHEREAS,** It would be and is in the best interest of the Town of Highland to amend the following section of the Highland Municipal Code;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Municipal Code be amended by deleting the following definitions from Section 18.05.080:

“Dwelling unit” means one room, or rooms connected together, constituting a separate independent housekeeping unit established for owner occupancy or for rental or lease on a weekly, monthly or longer

basis, and physically separated from any other rooms or dwelling units which may be in the same structure. A "dwelling unit" contains independent cooking, sleeping and toilet facilities.

Hotel, apartment" means a hotel which contains dwelling units or dwelling units and lodging rooms, and in which at least 50 percent of the gross floor area devoted to residential use shall be allocated to such dwelling units.

"Hotel, transient" means any hotel which is not an apartment hotel.

"Motel" or "tourist court" means a building or a group of buildings located on a single zoning lot, designed and intended to provide individual lodging units for rent to guests, primarily arriving by automobile or public carrier. Ancillary to the principal function of providing rooms to guests may be a variety of other uses such as swimming pools, bars and restaurants, meeting and convention facilities, theaters and showrooms, and other such uses.

**Section 2.** That the Highland Municipal Code be amended by adding a new section to be numbered Section 18.15.070, "*Outdoor Storage of Personal Property*" to read as follows:

- (A) Generally. No personal property shall be stored, maintained or permitted outside an enclosed building, garage or carport in an R-1A and R-1 Single Family Residence District, except as provided in this section.
- (B) No more than one recreational vehicle, motor home, camper, trailer, boat or boat trailer, or similar item of personal property may be located in a rear yard. Said personal property must be placed on a hard surface (concrete or bituminous), and screened from neighboring properties by an opaque fence and/or landscaping to a height of six feet above the average grade of the ground upon which the personal property is resting. Said personal property must be owned by the persons who reside on the lot on which they are stored.
- (C) Prohibited Areas. Such personal property shall not be stored, maintained or permitted on or within the area of the lot reserved for front yards as applied to the actual dwelling thereon, and for these purposes a side yard facing a public street shall be considered as a front yard for a depth of 50 feet.
- (D) Accessory buildings such as storage sheds, playhouses, and the like shall not be stored, maintained or permitted on or within the area of the lot reserved for front yards as applied to the actual dwelling thereon, and for these purposes a side yard facing a public street shall be considered as a front yard for a depth of 50 feet.
- (E) Such personal property which may be stored, maintained and permitted on a lot under the provisions set forth in this Section shall not be inhabited at any time.
- (F) No more than one recreational vehicle, motor home, camper, trailer, boat, or similar item of personal property may be temporarily parked in the front or side yard, outside of a totally enclosed structure and unscreened, for a maximum of 48 hours, in any consecutive 30-day period, for the purpose of loading, unloading, or servicing. Said temporary parking is permitted only if said property is located on the driveway.

**Section 3.** That the Highland Municipal Code be amended by adding a new section to be numbered Section 18.20.060, "*Outdoor Storage of Personal Property*" to read as follows:

- (A) Generally. No personal property shall be stored, maintained or permitted outside an enclosed building, garage or carport in an R-2 Single and Two-Family Residence District, except as provided in this section.
- (B) No more than one recreational vehicle, motor home, camper, trailer, boat or boat trailer, or similar item of personal property may be located in a rear yard. Said personal property must be placed on a hard surface (concrete or bituminous), and screened from neighboring properties by an opaque fence and/or landscaping to a height of six feet above the average grade of the ground upon which the personal property is resting. Said personal property must be owned by the persons who reside on the lot on which they are stored.
- (C) Prohibited Areas. Such personal property shall not be stored, maintained or permitted on or within the area of the lot reserved for front yards as applied to the actual dwelling thereon, and

for these purposes a side yard facing a public street shall be considered as a front yard for a depth of 50 feet.

- (D) Accessory buildings such as storage sheds, playhouses, and the like shall not be stored, maintained or permitted on or within the area of the lot reserved for front yards as applied to the actual dwelling thereon, and for these purposes a side yard facing a public street shall be considered as a front yard for a depth of 50 feet.
- (E) Such personal property which may be stored, maintained and permitted on a lot under the provisions set forth in this Section shall not be inhabited at any time.
- (F) No more than one recreational vehicle, motor home, camper, trailer, boat, or similar item of personal property may be temporarily parked in the front or side yard, outside of a totally enclosed structure and unscreened, for a maximum of 48 hours, in any consecutive 30-day period, for the purpose of loading, unloading, or servicing. Said temporary parking is permitted only if said property is located on the driveway.

**Section 4.** That the Highland Municipal Code be amended by adding a new section to be numbered Section 18.20.050, "*Outdoor Storage of Personal Property*" to read as follows:

- (A) Generally. No personal property shall be stored, maintained or permitted outside an enclosed building, garage or carport in an R-3 Multiple-Family Residence and PUD District, except as provided in this section.
- (B) No more than one recreational vehicle, motor home, camper, trailer, boat or boat trailer, or similar item of personal property may be located in a rear yard. Said personal property must be placed on a hard surface (concrete or bituminous), and screened from neighboring properties by an opaque fence and/or landscaping to a height of six feet above the average grade of the ground upon which the personal property is resting. Said personal property must be owned by the persons who reside on the lot on which they are stored.
- (C) Prohibited Areas. Such personal property shall not be stored, maintained or permitted on or within the area of the lot reserved for front yards as applied to the actual dwelling thereon, and for these purposes a side yard facing a public street shall be considered as a front yard for a depth of 50 feet.
- (D) Accessory buildings such as storage sheds, playhouses, and the like shall not be stored, maintained or permitted on or within the area of the lot reserved for front yards as applied to the actual dwelling thereon, and for these purposes a side yard facing a public street shall be considered as a front yard for a depth of 50 feet.
- (E) Such personal property which may be stored, maintained and permitted on a lot under the provisions set forth in this Section shall not be inhabited at any time.
- (F) No more than one recreational vehicle, motor home, camper, trailer, boat, or similar item of personal property may be temporarily parked in the front or side yard, outside of a totally enclosed structure and unscreened, for a maximum of 48 hours, in any consecutive 30-day period, for the purpose of loading, unloading, or servicing. Said temporary parking is permitted only if said property is located on the driveway.

**Section 5.** That the Highland Municipal Code be amended by deleting the following Limitation of Use in B-3 General Business Districts under section 18.45.020:

- (A) Dwelling units and lodging rooms other than those located in a transient hotel or motel are not permitted.

**Section 6.** That the Highland Municipal Code be amended by deleting the following Permitted Use in B-3 General Business Districts under section 18.45.030(B):

- (24) Motels and hotels

**Section 7.** All provisions of ordinances in conflict with the provisions hereof are hereby repealed.

**Section 8.** Whereas an emergency exists, this ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by law and until its subsequent amendment or repeal by proper ordinance.

*Certificate of the Municipal Plan Commission*

It is hereby certified that the foregoing proposed zoning text amendment was considered at a regular or special meeting by the Highland Municipal Plan Commission, having sustained a vote of **5** in favor and **1** opposed, and was duly forwarded with a **favorable recommendation** for adoption to the Town Council of Highland by the Highland Municipal Plan Commission on the 16<sup>th</sup> day of September 2015.

TOWN OF HIGHLAND  
Municipal Plan Commission

/s/ Tom Vander Woude, President

Attest:

/s/Mario Martini, Secretary

**Action by Legislative Body**

**Duly Ordained Adopted** pursuant to the provisions of IC 36-5-2-9.8 (b)(1), the recommendation of the Plan Commission is noted and the Ordinance is hereby **adopted** by the Town Council of the Town of Highland, Lake County, Indiana, this 28<sup>th</sup> day of September 2015, having sustained a vote of 4 in favor and 0 opposed in support of the **adoption** herein described.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

**Communications:**

1. The Clerk-Treasurer read aloud the letter from the Lake County Emergency Management Director asking for participation from the Town Council President or his designee . on the Lake County Emergency Management Advisory Council. *(IC 10-14-3-17 (c) (4) indicates that among the persons that comprise the County Emergency Management Advisory Council, it will include "An individual representing the legislative bodies of all towns located in the county." Currently, that person is William R. Timmer, Jr., CFOD, Fire Chief. )*

The Clerk-Treasurer indicated that he would prepare a letter on behalf of the Town Council to affirm the current appointee if there was no objection. This was authorized by general consent, without objection.

**Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1601.1592-A:** An Ordinance To Further Amend Chapter 3.10 of the Code Of Ordinances For The Town Of Highland, State Of Indiana, All Pursuant To IC 36-1-5 Et Seq.

Councilor Vassar introduced and moved the consideration of proposed Ordinance 1601.1592-A at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of proposed Ordinance 1601.1592-A at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1601.1592-A  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE To AMEND CHAPTER 3.10 OF THE CODE OF ORDINANCES For The TOWN Of HIGHLAND, STATE Of INDIANA, ALL PURSUANT TO IC 36-1-5 ET SEQ.**

**WHEREAS**, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit **shall** codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

**WHEREAS**, The legislative body of this unit, the Town of Highland, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

**WHEREAS**, The present general and permanent ordinances of the Town of Highland, formally codified in 2012, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code; and

Whereas, The Town Council is reliably advised that Chapter 3.10 of the Municipal Code Styled as Accounts Payable Payments in Advance of Formal Allowance, is in need of some changes to reflect emerging needs encountered since its initial adoption and to make other changes to allow for certain administrative efficiencies;

**WHEREAS**, The Town Council, is persuaded that it is necessary and desirable to adopt the several modifications to Chapter 3.10 to still further improve and perfect the Code,

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Section 3.10.010 (A)(12) of the Highland Municipal Code be hereby amended to include a new subdivision, to be styled Section 3.10.010 (A)(12)(k), which shall read as follows:

**3.10.010 Authorized payments by the Town Clerk-Treasurer.**

(A) Authorized Expenses. The Town Council approves and authorizes payments to be made by the Clerk-Treasurer in advance of formal allowance by the Town Council or other board or commission of jurisdiction for the following types of expenses:

(12) The following additional expenses outlined in this section:

- (a) Expenses incurred and identified by the community events commission;
  - (b) Refunds, which are in consequence of an ~~unelective~~ class or program cancellation or **for event or program deposits of a class or program as may be made** by the parks and recreation department;
  - (c) Vendor payments in support of recreation, or special events programs;
  - (d) Payments from the traffic violation agency fund;
  - (e) Payment of the funeral benefits outlined in IC 36-8-6-9.8(4) to heirs or estates of deceased retired members of the metropolitan police department;
  - (f) Payments to such vendors or service providers, public or private, which have provided services or goods to the municipality and for which a delay of payment incurs penalties or late payment charges.
  - (g) Payments made from the information and communications technology fund, provided such payments are lawful and made according to the purposes and guidelines of the fund;
  - (h) Payments for the purchase of real estate; provided, that the purchase **and price** has been duly authorized and approved by action of the proper council, board or commission, ~~the purchase price has been approved by action of the proper council, board or commission,~~ and the purchase was executed in compliance with IC 33-24, 36-1-10.5, 36-7, 36-9 or 36-10 and other relevant laws;
  - (i) Expenditures for transfers or temporary loans in consequence of cash flow needs; provided, that the transfer or temporary loan has been duly authorized and approved by action of the proper council, board or commission;
  - (j) Payments made for the purchase of road salt, or other supplies, where a vendor requires payment to be remitted at time of delivery, provided the proper department head determines such payment to be in the interest of public safety;
  - (k) Payments made in consequence of or associated with a fund development project or a promotional program related to economic development or redevelopment, provided the project or program has been properly approved by the appropriate board or commission.
- (l) Payments made to employees' Health Savings Accounts by the municipality as employer.**
- (m) Payments as may be identified in other sections of the Highland Municipal Code, including but not limited to Sections 3.45.010(G) and 3.45.110(E).**

**Section 2.** That this ordinance shall be effective from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-10.2.

Introduced and Filed on the 28th day of September 2015. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 28<sup>th</sup> Day of September 2015, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5;IC 36-5-2-10.2)

**2. Proposed Ordinance No. 1602.1578-B: An Ordinance To Further Amend the Wage and Salary Ordinance for 2015, particularly dealing with certain positions and wages in the Public Works Department (Agency).**

Councilor Kuiper introduced and moved the consideration of proposed Ordinance 1602.1578-B at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Kuiper moved the passage and adoption of proposed Ordinance 1602.1578-B at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

**ORDINANCE No. 1602.1578-B  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE to AMEND ORDINANCE No. 1578, AN ORDINANCE TO ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA, PARTICULARLY REGARDING CHANGE TO THE STAFFING AUTHORITY of the PUBLIC WORKS DEPARTMENT (AGENCY).**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

**WHEREAS**, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

**WHEREAS**, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

**WHEREAS**, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

**WHEREAS**, The Town Council of the Town of Highland, as the town legislative body, now desires to amend the ordinance that was adopted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year 2015;

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Section 9 (B)(2) of Ordinance No. 1578 be amended by repealing Section 9(B)(2) of that Ordinance in its entirety and replacing with the following section, which shall be numbered as Section 9 (B)(2) and read as follows:

**Section 9.** That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Public Works Department** as follows:

**(B) Associate Staff and Employees**

		<b>Starting Rate</b>	<b>Incumbent Rate</b>
<b>(2) Effective June 21, 2015, (hourly):</b>			
Public Works Secretary	( 1 )	\$17.26	\$20.34
Dispatch Clerk	( 1 )	\$15.60	\$15.60
Senior Utility Technician	( 1 )	<del>\$20.85</del> <b>\$ 21.14</b>	<del>\$20.85</del> <b>\$ 21.14</b>
Utility Technician	( 2 )	\$16.97	\$16.97
<i>This position subject to base modification as outlined in subdivision E</i>			
Utility Worker /Equipment Operator (A) ( 3 )		<b>\$ 21.14</b>	<b>\$ 21.14</b>
Utility Worker /Equipment Operator (B) ( 2 )		<b>\$ 20.24</b>	<b>\$ 20.24</b>
<del>Utility Worker /Equipment Operator ( 2 )</del>		<del>\$ 20.85**</del>	<del>\$ 20.85</del>
<del>Utility Worker /Equipment Operator ( 2 )</del>		<del>\$ 20.85**</del>	<del>\$ 21.99</del>
Pump Station Operator	( 2 )	\$17.94	\$17.94
<i>This position subject to base modification as outlined in subdivision E</i>			
Street Sweeper Operator	<del>( 2 )</del> ( 1 )	\$18.71	\$18.71
Utility Worker/Driver A	( 4 )	\$ 20.24	\$ 20.24
Utility Worker/Driver B	( 3 )	\$ 17.36	\$ 17.36
Utility Worker/Driver C	( 2 )	\$ 14.67	\$ 14.67
Senior Mechanic	( 1 )	\$ 20.90	\$ 20.90
Mechanic	( 1 )***	\$ 19.01	\$ 19.01
Mechanic	( 2 )	\$ 19.01	\$ 19.01-\$20.44
*** Once a worker is assigned the <b>Senior Mechanic's</b> position, the authorization for this position is reduced to zero (0).			
Sign & Traffic Control Technician	( 1 )	\$ 17.54	\$ 17.54
<i>This position subject to base modification as outlined in subdivision E</i>			
Utility Worker A	( 3 )	\$15.33	\$15.33-\$16.68
Utility Worker B	( 3 )	\$11.84	<del>\$11.84-\$14.61</del>
Custodian	( 1 )	\$14.20	\$14.20
Attendant Town Garage	( 1 )	\$13.19	\$13.79
Secretary (part-time)			\$ 7.25-\$12.50 per hr.
Laborer (not truck driver)(part-time)			\$ 7.25-\$ 11.64 per hr.
Master Gardener/Streetscaping (part-time)			\$12.00 - \$ 14.00 per hr.

**Section 2.** That Section 9 (C) of Ordinance No. 1578 be amended by repealing Section 9(C) of that Ordinance in its entirety as follows:

**~~\*\* (C) Special starting rate protocols~~**

~~(1) For the position of Senior Utility Technician (SUT), vacancies shall be posted at \$19.80 per hour. Rate shall be adjusted upward and remain equal to, but not exceeding, the lowest paid UW/EO at the time that the lowest paid UW/EO receives any rate increases.~~

~~(2) For the positions of Utility Worker/Equip Op (UW/EO), if top (senior) UW/EO departs, the incumbent wage and starting wage for UW/EO shall be the average of all four UW/EO wages.~~

**Section 3.** That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

**Section 4.** That any staffing levels or rates of pay for the positions that anteceded the ones created by this ordinance that may have been at variance with the fixed levels are hereby ratified, pursuant to IC 36-1-4-16;

**Section 5.** (A) That an emergency exists for the immediate taking affect of this

Ordinance, which, shall become effective and shall remain in full force and effect from and *after the date of its passage and adoption* pursuant to any constrains currently in force in Ordinance No. 1578 and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly conferred in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed on the 28<sup>th</sup> day of September 2015. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 28<sup>th</sup> Day of September 2015 , by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

**3. Resolution No. 2015-46: An Exigent Resolution Providing for the Transfer of Appropriations Balances from and Among Major Budget Classifications in the Building and Inspection Department of the Corporation General Fund.**

Councilor Vassar moved the passage and adoption of Resolution No. 2015-46. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2015-46**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the BUILDING and INSPECTION DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS**, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Building and Inspection Department of the Corporation General Fund**;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That is has been shown that certain existing unobligated appropriations of the **Building and Inspection Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**CORPORATION GENERAL FUND**

**Building and Inspection Department**

Reduce Account:		
#310.02 Engineering Fees:		\$ 1,993.00
	<i>Total 300 Series Decreases</i>	\$ 1,993.00
Increase Account:		
#210.03 Garage & Motor Supplies		\$ 1,993.00
	<i>Total 200 Series Increases</i>	\$ 1,993.00
<b>Total of All Fund Decreases:</b>		<b>\$1,993.00</b>

Total of All Fund Increases: \$1,993.00

**DULY RESOLVED and ADOPTED** this 28<sup>th</sup> Day of September 2015 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- 4. Works Board Order No. 2015-27 (B):** An Order Approving and Authorizing the Entry into Service Agreement with WINDSTREAM for Certain Telecommunications Telephone and voice mail Services for the Highland Police Department and its Police Station, pursuant To Chapter 3.05 of the Highland Municipal Code.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2015-27(B). Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland  
Board of Works  
Order of the Works Board 2015-27 (B)**

**An Order Approving and Authorizing the Metropolitan Police Chief to enter into a purchase agreement with K-Log, Inc. of Zion, IL through the State of Indiana to purchase office equipment and supplies pursuant to I.C. 5-22-8-2.**

**Whereas**, The Town of Highland Metropolitan Police Department, as part of its public duties, has a responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carry out the functions of the department; and

**Whereas**, The Metropolitan Police Chief has determined a need to replace certain equipment and supplies and has further determined the purchase price will be below \$150,000.00;

**Whereas**, The Metropolitan Police Chief has reviewed the quotes from the vendors that responded to the required procedure, and recommends K-Log, Inc. of Zion, IL to be a the most responsive and responsible vendor for the purchase of office equipment and supplies at a price of \$99,989.76;

**Whereas**, The price for the purchase exceeds \$15,000.00 and, pursuant to Section 3.05.040 (C)(E) as well as Section 3.05.050 (B)(2) of the Highland Municipal Code, such purchase requires the express approval of the purchasing agency; and

**Whereas**, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(b) of the Highland Municipal Code serves as the purchasing agency for the Metropolitan Police Department; and

**Whereas**, The Metropolitan Police Chief, pursuant to Section 3.05.050 (D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

**Whereas**, The Purchasing Agent, pursuant to Section 3.05.060 (F)(1) of the Highland Municipal Code, expected that the purchase would be at least \$50,000 and not more than \$150,000.00 and therefore solicited quotes from at least three (3) vendors known to deal in the lines or classes of supplies to be purchased;

**Whereas**, The Purchasing Agent, sought formal quotes pursuant to Section 3.05.060 (F)(1) of the Highland Municipal Code, with the quotes opened and read with the results of such quotes as follows:

- (A) K-Log, Inc of Zion, IL had a quote of \$99,989.76 for the office equipment and supplies;
- (B) Ready2Go Office Furniture, Inc. of Indianapolis, IN had a quote of \$80,229.61 for office equipment and supplies;

- (C) DeYoung Interiors of St. John, IN had a quote which was apparently totaled at \$61,552 but the number is invalid as the response is incomplete;
- (D) HDW Commercial Interiors of Merrillville, IN had a quote of \$106,800.70;

**Whereas,** The Purchasing Agent recommends, that the response and quote submitted by Ready2Go Furniture be rejected due to the overall quality of furniture and not meeting our listed requirements as presented to them;

**Whereas,** The Purchasing Agent further recommends that the response and quote submitted by DeYoung Furniture be rejected as it was incomplete i.e., the list of our requirements as presented to them, was not met;

**Whereas,** The Purchasing Agent still further recommends to accept the quote presented by K-Log, Inc. as the overall package presented of the furniture and supplies, were deemed a better quality and warranty for the quoted prices and for the furniture requested, therefore representing the most responsive and responsible quote responder, offering the lowest total price after rejection of the previous quotes for the reasons stated;

**Whereas,** The purchase of the office equipment and supplies will be supported by the Public Safety LOIT Fund.

**Whereas,** The Town Council now desires to approve and authorize the Police Chief to complete the purchase pursuant to the terms and stated herein,

**Now, Therefore Be It Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

**Section 1.** That the Works Board hereby makes the following findings and determinations:

- (A) That the quote submitted by DeYoung Furniture be rejected for not conforming to the specifications set forth in the invitation for quotes, particularly rendering an incomplete response and thereby invalidating the quote submitted;
- (B) That the quote submitted by Ready2Go Furniture be rejected for not conforming to the specifications set forth in the invitation for quotes, particularly not meeting at least the Mid-Grade "qualitative standard" included in the specifications;
- (C) That the memorandum attached to this order and entitled Exhibit A, be made a part of this order, and further support the findings and determinations made by this order;

**Section 2.** That the Works Board hereby accepts and approves the quote and from K-Log, Inc. of Zion, IL as the lowest, most responsive and responsible and authorizes the purchase of the office furniture and supplies in the amount of \$99,989.76 pursuant to IC 5-22 and Section 3.05.060 (F) (3) of the Highland Municipal Code;

**Section 3.** That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase, subject to sufficient appropriations and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

**Be It So Ordered.**

**Duly, Passed, Adopted and Ordered** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14<sup>th</sup> day of September 2015 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

*Attest:*

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
**Clerk-Treasurer** (IC 33-16-4-1; IC 36-5-6-5)

*Memorandum further describing the rationale for the actions in the works board is on file.*

**Comments or Remarks from the Town Council:**

**(For the Good of the Order)**

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Board of Waterworks Directors; Liaison to the Park and Recreation Board; Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Zemen acknowledged the Parks and Recreation Superintendent who offered a brief survey of parks and recreation programming.

- **Councilor Dan Vassar:** *•Redevelopment Commission Liaison.*

Councilor Vassar acknowledged the Redevelopment Director who reported that the Main Street Program Car Cruise would take place on Saturday, October 3 from 12 noon to 4:00 p.m.

Councilor Vassar acknowledged the Metropolitan Police Chief and the Building Commissioner who jointly reported that a recent joint effort for code enforcement in which 15 vehicles were cited for either license plate or junk vehicle offenses.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison; Information Technology Liaison.*

Councilor Wagner was absent.

- **Councilor Konnie Kuiper:** *• Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reminded all that the annual Fire Department Open House would be conducted at the Highland Central Fire Station, on Saturday, October 10, 2015 from 10:00 a.m. to 3:00 p.m.

- **Council President Mark Herak:** *Municipal Executive • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

The Town Council President acknowledged the Town Attorney who reported on the closing of the Public Works Note taking place on Tuesday, September 29, for \$1.7 million.

The Town Council President acknowledged the Public Works Director, who offered a survey of projects underway by the Streets, Water and Public Sanitation Departments.

#### **Comments from Visitors or Residents:**

1. Mr. Rick Volbrecht, 9221 Parkway Drive, Highland commented on recent cost estimates that were circulating related to the Town Theatre Rehabilitation Project. Mr. Volbrecht indicated that he understood the range of cost to be now estimated from \$2.5 million dollars to up to \$4.5 million. Mr. Volbrecht suggested that whether the numbers are correct or not that the Redevelopment Commission should better manage the communications on this matter.

Mr. Volbrecht also commended the Town Council for the range of discussion he observed at its Study Session conducted on Monday, September 21, 2015.

2. Terry Fuqua, 3042 LaPorte Avenue, Highland inquired regarding the purchase by whom he perceived to be a single buyer of three houses along snow routes, in

which the garages were converted to living spaces. He further reported that this created more parking on the streets as many of the dwellers had multiple vehicles. He inquired whether these places were in compliance with parking regulations.

With leave from the Town Council, the Building Commissioner indicated that he was aware of the locations described and he would follow-up.

Mr. Fuqua further inquired about the regulations governing fence heights. Once advised that the current limitation is 6 feet, Mr. Fuqua reported his belief that there were fences exceeding this in the locations described.

With leave from the Town Council, the Building Commissioner indicated that he would follow-up.

Mr. Fuqua still further inquired about the facts surrounding the professional services agreement with an architect approved by the Redevelopment Director in 2013 that seemed to be for a sum in excess of \$19,000 and whether this was in compliance with the Purchasing Code.

The Clerk-Treasurer indicated that he would explore the matter further.

Mr. Fuqua still further expressed his dissatisfaction with responses to his records inquiries he has presented to the Redevelopment Director and Department regarding the amounts spent on the Town Theatre Project.

It was suggested that it would be helpful for any records requests to be made in writing.

Mr. Fuqua also expressed dissatisfaction with reviewing Redevelopment Commission meeting minutes, expressing his view that the minutes were not being timely posted on the website.

It was noted that that not all boards and commissions post their minutes on the website and that the minutes of the meetings have been made up to date.

Mr. Fuqua still further inquired about the house located next to the Central Fire Station, purchased by the Redevelopment Commission, and set for demolition. Mr. Fuqua inquired about the characterization of the house as "uninhabitable" and if there were inspections that determined this.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period September 15, 2015 through September 28, 2015. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$189,753.50; Motor Vehicle Highway and Street (MVH) Fund, \$12,775.62; Local Road and Street Fund, \$9,660.11; Law Enforcement Training and Supply Fund, \$841.85; Information Communications Technology Fund, \$9,363.09; Civil Donations Fund, \$5,453.00; Special Events Non-reverting Fund, \$305.35; Police Pension Fund, \$63,575.63; Municipal Cumulative Capital Development Fund, \$2,400.00; Traffic Violations and Law Enforcement Agency**

**Fund, \$10,721.50; Gaming Revenue Sharing Fund, \$21,970.52; Corporation Capital Fund, \$74,240.50; Public Safety Income Tax Fund, \$20,005.61; County Economic Development Income Tax Fund, \$19,120.00; Total: \$440,186.28**

**Adjournment.** Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, September 28, 2015 was adjourned at 7:45 O'clock p.m. No study session followed the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO  
Clerk-Treasurer